

## PATENT COOPERATION TREATY



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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 14 JAN 2005

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Applicant's or agent's file reference P0320033WO/ACJ	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/04264	International filing date ( <i>day/month/year</i> ) 03.10.2003	Priority date ( <i>day/month/year</i> ) 14.10.2002
International Patent Classification (IPC) or both national classification and IPC B65D5/42		
Applicant MEGAPRINT GROUP LIMITED et al.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand  06.05.2004	Date of completion of this report  13.01.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Grondin, D  Telephone No. +49 89 2399-2583 	

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/04264

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-13 as originally filed

**Claims, Numbers**

1-27 received on 27.05.2004 with letter of 24.05.2004

**Drawings, Sheets**

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-27
	No: Claims	
Inventive step (IS)	Yes: Claims	1-27
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-27
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**Independent claim 1**

Independent claim 1 appears to meet the requirements of the PCT in respect of novelty and inventive step.

**Closest prior art:** From the document WO 97/42094 A (D1), a packaging for a premium item is known. D1 discloses a packaging comprising three layers of a material, a first layer and a second layer being laminated to one another and having co-terminal peripheries, wherein the second layer has at least one portion thereof removed for defining a void inside the packaging, the third layer being laminated to the opposite side of the second layer to the first layer.

**Problem:** The technical problem to be solved may be regarded as how to provide an easy to manufacture packaging that can be opened easily.

**Differences with the prior art:** The subject-matter of claim 1 differs from the known packaging in that the three layers of the packaging are each of an equal thickness, and in that the packaging is a snap-apart packaging having partial cut lines to allow a first section of the packaging to be snapped away from the second section of the packaging to provide access to the void.

**Inventive step:** None of the available documents shows or suggests the differences with the closest prior art as cited above.

DE 927 529 A (D2) discloses a two layers packaging having cut lines to open the packaging.

However no third layer having a void therein is suggested.

If GB 2 287 689 A (D3) discloses a packaging comprising three layers of an equal thickness, these are not laminated one to the other. Furthermore this packaging is not a snap-apart packaging.

A skilled man would not combine the teachings of the above mentioned documents to arrive to the subject-matter of independent claim 1.

### **Independent claim 18**

The special technical features, representing the contribution over the prior art, of claim 1 have been cited above. These features are essential features of the invention and thus have to be explicitly present in independent claim 18 (Article 6 PCT).

In particular, although it is claimed that the three layers are provided as a "single blank", this does not mean necessarily that the blank is of one equal thickness.

### **Independent claim 26**

Independent claim 26 should also contain explicitly the special technical features, representing the contribution over the prior art, of claim 1.

### **Certain defects in the international application**

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.

Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Finally, the description should be adapted to disclose the invention as claimed (Rule 5.1(a)(iii) PCT).

Claims

1. A packaging for a premium item comprising three layers of a material, each of an equal thickness, a first layer and a second layer being laminated to one another and having  
5 co-terminal peripheries, wherein the second layer has at least one portion thereof removed for defining a void inside the packaging for receiving the premium item, the third layer being laminated to the opposite side of the second layer to the first layer, wherein the packaging is a snap-apart packaging having partial cut lines to allow a first section of the packaging to be snapped away from the second section of the packaging to provide access  
10 to the void.
2. The packaging of claim 1, wherein the third layer has a co-terminal periphery to the first and second layers.
3. The packaging of claim 1 or claim 2, wherein the materials are food-safe materials.
4. The packaging of claim 1, claim 2 or claim 3, wherein the removed portion is a  
15 central portion.
5. The packaging of any one of the preceding claims wherein the partial cut lines extend across the width of the packaging.
6. The packaging of any one of the preceding claims, wherein a premium item is sealed within the void of the packaging.
- 20 7. The packaging of any one of the preceding claims, wherein a section of the first or the third layer is not initially laminated to the second layer, the section defining a foldable flap.
8. The packaging of claim 7, wherein the fold is bounded by a fold line extending across the width of the packaging.
- 25 9. The packaging of any one of the preceding claims, wherein cuts for defining a snap-apart section are provided by two co-planar outer cuts, in or immediately adjacent to the side edges of the packaging, the cuts extending through the three layers of the packaging, and a third cut, just in the first and third layers substantially bridging the gap between the two outer cuts.

10. The packaging of claim 9, wherein the cuts are perforations.
11. The packaging of any one of the preceding claims, wherein the third layer comprises a wall of a cardboard packaging, the first and second layers being attached to the inside of the wall of the cardboard packaging to form the packaging within the cardboard  
5 packaging.
12. The packaging of any one of the preceding claims, wherein the second layer has a gap provided in one of its edge portions extending from the edge to the removed portion.
13. The packaging of claim 12, wherein the gap is tapered.
14. The packaging of any one of the preceding claims, wherein the first or the third  
10 layer comprises at least one perforated portion that overlies the removed portion of the second layer.
15. The packaging of claim 14, wherein the perforated portion is printed.
16. The packaging of any one of the preceding claims, wherein the first or third layer has a thumb-sized cut-out provided in an edge thereof.
- 15 17. The packaging of any one of the preceding claims, wherein the first or third layer has an aperture provided therein for accessing the void.
18. A method of packaging a premium item comprising the steps of providing three layers of material for laminating over each other, removing at least a portion of middle one of the three layers, and laminating the three layers together to create a packaging having a  
20 void in the middle thereof defined by the portion of the middle layer that was removed; wherein the three layers are provided as a single blank and the blank is folded to position the three layers on top of one another.
19. The method of claim 18, comprising the step of applying a bonding agent to at least one of the layers such that the middle layer can be bonded to the other two layers between  
25 the two other layers.

20. The method of claim 18 or claim 19, wherein a portion of the periphery of the packaging is initially unglued to provide an access point for insertion of a premium item into the void of the packaging defined by the removed portion of the middle layer.
21. The method of claim 20, further comprising the steps of inserting a premium item  
5 into the void and, once inserted, gluing the unglued portion shut.
22. The method of any one of claims 18 to 21, wherein an edge portion of the middle layer is cut away down to the removed portion to form a gap.
23. The method of any one of claims 18 to 22, wherein the packaging formed is in accordance with any one of claims 1 to 16.
- 10 24. The method of any one of claims 18 to 23, wherein a plurality of packagings are formed from the blank.
25. The method of any one of the preceding claims, comprising the step of cutting the or each packaging out of the folded blank.
26. A blank for forming a packaging according to any one of claims 1 to 17, the blank  
15 being pre-cut with apertures corresponding to the removed portions of the middle layer.
27. The blank of claim 26, for forming a snap-apart packaging, the packaging having partial cut lines extending across the width of the packaging to allow a first section of the packaging to be snapped away from the second section of the packaging, the blank comprising cuts corresponding to the cuts in the packaging.